

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Local Number Portability Porting Interval and	)	WC Docket No. 07-244
Validation Requirements	)	
_____	)	

**SPRINT NEXTEL COMMENTS**

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## Executive Summary

With its recent *Validation Order*, the Commission has rightly taken the first step toward wresting control of the porting process away from the carrier losing the customer (*i.e.*, the old service provider or “OSP”). Despite this progress, the OSP remains in control of most other aspects of the porting process. This situation breeds carrier practices that obstruct or delay the implementation of consumers’ requests to port their numbers. And, as evidenced by high port cancellation rates for wireline-related ports, these carrier practices have proven effective. In this backward environment, in which the carrier with the most control but the least incentive to make porting a consumer-friendly process, the Commission now asks if it should take further regulatory action to ensure the efficiency and effectiveness of porting. Sprint Nextel emphatically responds – Yes.

First and foremost, the Commission should take steps to *standardize* the porting process. While Sprint Nextel generally favors industry agreement (*e.g.*, as seen with wireless-to-wireless porting) over regulatory mandate, the industry has been unable to reach consensus on many aspects of intermodal porting. Moreover, industry consensus “guidelines” for wireline-to-wireline porting are often ignored by wireline carriers without sanction. In short, the only way to rectify the current, backward porting paradigm is to standardize – via Commission mandate – the process and remove OSP control. The beginning point for standardization is a single, standardized porting form.

Second, the Commission should take steps to *streamline* the porting process. There are unnecessary and illogical steps within the porting process. The Commission should not accept the “business-as-usual” defense of these processes. Relatively minor changes to the porting process, such as mandating that the OSP should not disconnect service until it receives the Number Portability Administration Center (“NPAC”) activation message, can dramatically improve the customer experience.

Third, Sprint Nextel recommends that the Commission permit carriers and industry groups a reasonable period of time to design and phase-in the changes suggested in these comments. Sprint Nextel recognizes that its suggestions, taken together, represent an overhaul to the intermodal and wireline-to-wireline processes that have been in place for quite some time. Because the “devil-is-in-the-details,” industry must be permitted ample time to redesign these intertwined, interdependent processes. Nevertheless, the Commission should provide mandates and timeframes with enough specificity so as to prevent industry from languishing in perpetual deadlock. Sprint Nextel recommends a six-month period of time for the industry to conduct this important work.

Finally, building on industry mandates aimed at standardizing and streamlining the porting process, the Commission should *reduce the porting interval* for intermodal and wireline-to-wireline ports. Sprint Nextel supports a phased approach to reducing the porting interval beginning with a reduction from the current levels to a 24 hour interval for intermodal and wireline-to-wireline ports. Sprint Nextel recommends an 18-month period of time for carriers to meet this 24 hour interval. Sprint Nextel also demonstrates that the porting interval for these ports could, over time, be reduced to the same intervals that consumers enjoy when porting wireless-to-wireless.

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Sprint Nextel Corporation (“Sprint Nextel”) responds to the Commission’s request for comment on whether it should “take steps to mandate or modify certain elements of the porting process to ensure the efficiency and effectiveness of [local number portability (“LNP”)] for U.S. telephone consumers.”<sup>1</sup> The Commission also seeks comment on its tentative conclusion that it “should adopt a 48-hour porting interval” to replace the four business day interval that wireline carriers currently use for intermodal and wireline-to-wireline (“wireline-only”) ports.<sup>2</sup>

The Commission has determined that consumers deserve to enjoy as “quick and efficient a porting process as possible” and that such a process is “critical” for number portability to “fulfill its promise of giving ‘customers flexibility in the quality, price and variety of telecommunications services.’”<sup>3</sup> Sprint Nextel could not agree more with these principles of porting. Sprint Nextel, therefore, strongly urges the Commission to take steps, as outlined in these comments, to streamline and standardize the porting process and to reduce the porting intervals.

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<sup>1</sup> See *Local Number Portability Porting Interval and Validation Requirements*, FCC 07-188, *Notice of Proposed Rulemaking*, WC Docket No. 07-244, 22 FCC Rcd 19531, 19562 ¶ 54 (Nov. 8, 2007)(“*LNP Interval NPRM*”).

<sup>2</sup> *Id.* at ¶ 63.

<sup>3</sup> *Id.* at 19560 ¶ 54 and 19563 ¶ 65.

## **I. AN OVERVIEW OF THE PORTING PROCESS AND A SUMMARY OF SPRINT NEXTEL'S POSITION**

It is timely for the Commission to reconsider the porting process as it applies to wireline-to-wireline and intermodal ports.<sup>4</sup> The porting-out carrier or old service provider (“OSP”) continues to exercise far too much control over the porting process. This antiquated, backward system breeds anti-competitive behavior. Moreover, the current four business day interval has been in place for over 11 years – since number portability was implemented.<sup>5</sup> The Commission should no longer accept the four business day process that shelters the local exchange carrier (“LEC”) industry from competition and prevents consumers from obtaining timely service.

Sprint Nextel submits that it is important for the Commission to understand where its intervention is – and is not – needed. The porting process consists of three distinct components:

A. The Pre-Port Process: Consumer/New Carrier Communications. The “pre-port” process begins when a consumer decides to use the services of a different provider and further, to exercise his/her right to port his/her existing number from the old carrier to the new carrier.<sup>6</sup> This “pre-port” process consists of the new service provider (“NSP”) acquiring the information it needs to complete a port request, which is submitted to the old service provider (“OSP”) carrier.<sup>7</sup>

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<sup>4</sup> Commission intervention is unnecessary with respect to the wireless-to-wireless porting process. The voluntary industry guidelines and practices for wireless-to-wireless porting are streamlined and standardized and the porting interval is at consumer-friendly levels. If, however, wireless industry cooperation deteriorates, or if a particular carrier strays from these accepted practices, Commission intervention may be necessary (*e.g.*, in the form of a rulemaking proceeding or enforcement via a Section 201 complaint).

<sup>5</sup> See *Intermodal Number Porting Interval Second Further Notice*, 19 FCC Rcd 18515 ¶ 2 (2004); *Second Portability Order*, 12 FCC Rcd 12281 (1997)(FCC adopts Rule 52.26(a), which requires carriers to comply with NANC’s April 25, 1997 recommendations, which, in turn, includes a four business day interval).

<sup>6</sup> Wireline carriers often refer to “pre-port” activity as all activity prior to receiving a “valid” local service request (“LSR”).

<sup>7</sup> The FCC sometimes refers to a port request as an “LSR” (Local Service Request) and the port response as a “FOC” (Firm Order Confirmation). LSRs/FOCs involve a procedure incumbent LECs use

The consumer and NSP also negotiate the due date and time when the port will occur, information that is also included in the port request.

There is no need for Commission involvement in the pre-port process. Carriers should have flexibility in this process so they can innovate and compete with each other – and in the process, find the procedure that best meets the ever-changing needs of consumers.

B. Implementation of a Port Request: Communications Between the NSP and OSP and with the Number Portability Administration Center. This is the critical component in the porting process and in need of Commission attention, as this component involves communications between and activities involving competitors. OSPs, and incumbent LECs in particular, have the incentive and ability to obstruct ports to competitive carriers, as Sprint Nextel documents in Part II below. A porting interval is an important tool in limiting the ability of incumbent LECs to continue to misuse their current flexibility.

The porting process, the Commission has correctly observed, consists of two components: the confirmation process and the activation process.<sup>8</sup> It is useful to address each component separately because of the different activities involved.

1. The Confirmation Process. The purpose of the confirmation process is for the OSP to verify that a port request is valid and can be implemented on the desired due date and time. The

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for porting and many other activities (e.g., UNE ordering). Sprint Nextel encourages the FCC to use the terms port requests and port responses because the subject of number portability should not be further complicated by inclusion of processes incumbent LECs use with respect to other, non-LNP activities.

<sup>8</sup> See *Local Number Portability Porting Interval and Validation Requirements*, WC Docket No. 95-116, *Report and Order, Declaratory Ruling and Order on Remand*, FCC 07-188, 22 FCC Rcd 19531, 19553 ¶ 42 (Nov. 8, 2007) (“LNP Validation Order”).

confirmation process consists of communications between the NSP and OSP – specifically, a port request from the NSP followed by a port response from the OSP.<sup>9</sup>

Wireless carriers ordinarily complete the confirmation process within 30 minutes. Wireless carriers are able to meet this interval because they have standardized both the fields used and the protocols (or format) used in communicating this information with each other – a system memorialized in the Wireless Intercarrier Communications Interface Specifications (“WICIS”).<sup>10</sup>

In stark contrast, under the process wireline carriers developed for themselves in 1997, a wireline carrier has 24 hours to verify the information in a port request.<sup>11</sup> The wireline confirmation process, however, was never standardized – with respect to either the content of a port request (number and type of fields) or the format of the port request. Rather, each wireline carrier possessed the flexibility to determine what fields and format it would require porting-in carriers to use with their port requests based on the wireline carrier’s business rules.

This flexibility has led to abuse. Some wireline carriers required dozens of fields, including detail unnecessary for validating or activating a port. The Commission has found that these LEC practices are unreasonable because they delayed needlessly the porting process to the detriment of consumers.<sup>12</sup> The Commission, determining that “customers’ porting experience would be improved with the standardization of the LNP validation criteria,” ruled recently that carriers may not use more than four-specified validation criteria with simple ports.<sup>13</sup>

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<sup>9</sup> See NANC Report & Recommendations on Intermodal Porting Intervals, at 6 (May 3, 2004), *attached to* Letter from Robert C. Atkinson, NANC Chairman, to William Maher, Chief, Wireline Competition Bureau, CC Docket No. 95-116 (May 3, 2004) (“2004 NANC Report”).

<sup>10</sup> See <http://www.atis.org/obf/wicissummv3.0.0.asp>

<sup>11</sup> See 2004 NANC Report at 6.

<sup>12</sup> See *LNP Validation Order*, 22 FCC Rcd at 19553-56 ¶¶ 42-46.

<sup>13</sup> See *id.* at 19556-57 ¶¶ 46-48.

The industry unanimously agreed that at least two additional fields are needed to effectuate a port with the Number Portability Administration Center (“NPAC”) – specifically, identification of the new carrier and the consumer’s desired due date and time.<sup>14</sup> Nevertheless, some wireline carriers have begun to claim that they can impose additional fields, so long as they characterize these fields as “provisioning” rather than “validation” fields. In other words, the very problems that the Commission attempted to fix in its November 2007 *Validation Order* – limit the ability of incumbent LECs to thwart the porting process by demanding unnecessary information – are already beginning to re-surface. Sprint Nextel addresses in greater detail this new problem in Part II. B. below. And, while some wireline carriers have begun to recognize (as a result of the Commission’s *Validation Order*) the need to standardize the confirmation process, the standards they are developing are voluntary only – meaning that each wireline carrier would remain free to impose different and more onerous requirements.

In addition, some incumbent LECs follow a practice of identifying in a port request only one error at a time, and they may reject a port request because the new carrier uses a different convention than the old carrier.<sup>15</sup> These practices force the new carrier to submit an amended port request which, in turn, restarts yet another 24-hour confirmation interval. This unreasonable practice thus delays (perhaps by days) the commencement of the activation process, to the detriment of consumers. Particularly now that the number of validation fields has been limited to four, there is no reason why any carrier (and especially an incumbent LEC) should be permitted

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<sup>14</sup> See Letter from Local Number Portability Administration Work Group (“LNPA-WG”) to NANC Chairman (Jan. 15, 2008)(“January 15, 2008 LNPA-WG Letter”). A diverse set of carriers has agreed that these two “provisioning” fields are necessary. See *id.* at 3.

<sup>15</sup> See *LNP Validation Order*, 22 FCC Rcd at 19558 ¶ 49.

to delay the porting process simply by electing to identify errors at one at a time. Sprint Nextel addresses this subject on Part II. C. below.

Sprint Nextel further demonstrates in Part IV. A. that wireline carriers are capable of implementing the same 30-minute interval for the confirmation process that wireless carriers use – *if* the Commission standardizes the intercarrier communications that wireline carriers must use (similar to the standardization that the wireless industry has already implemented).<sup>16</sup> Not only would reducing the wireline interval from 24 hours to 30 minutes benefit consumers, but, as the North American Numbering Council (“NANC”) has already advised the Commission, such a reduced interval would also benefit wireline carriers by reducing their costs when they act in the role of the porting-out carrier.<sup>17</sup>

2. *The Activation Process.* Activating a port request ordinarily entails two fundamental steps. Wireless carriers generally complete these two steps in two hours. In contrast, under the standards they developed in 1997, wireline carriers have instead given themselves three business days to complete the two steps.

One critical step in the activation process consists of communications between the NSP and the NPAC – communications that have been standardized nationwide. Specifically, the NSP, upon receiving a port response from the OSP, sends a “create” message to NPAC. This message identifies the telephone number being ported, the identity of the NSP and OSP, and the agreed-upon due date.<sup>18</sup> With this information, NPAC is capable of sending a broadcast mes-

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<sup>16</sup> Sprint Nextel recognizes that this reduction in the confirmation interval is dependent on a number of factors including, most notably, automation of the Intercarrier Communications Process (“ICP”). As such, Sprint Nextel recommends permitting industry ample time to phase-in these changes to eventually reach a 30-minute confirmation period.

<sup>17</sup> See 2004 NANC Report at 6.

<sup>18</sup> See 2004 NANC Report at 8.

sage to all number portability databases, so carriers throughout the country know to begin sending call attempts to the ported number to the NSP rather than the OSP.

A second critical step in the activation process is the setting of the ten-digit trigger (“TDT”) by the OSP in its switch serving the porting customer.<sup>19</sup> With this action, the OSP’s switch begins to search the LNP database for new routing information (for calls to the number being ported). Once this TDT is set, the new carrier can begin serving the porting customer.<sup>20</sup>

Wireless carriers, for wireless-only ports, ordinarily complete the activation process in two hours – compared to the three-business day (72-hour) wireline interval. Much of the delay associated with the wireline activation interval is caused by a senseless procedure that incumbent LECs developed for themselves: they can delay a competitor’s activation of a port by two days (or longer) simply by not exercising an option to send their own, redundant create message to NPAC. Sprint Nextel demonstrates, in Part IV. B. below, that wireline carriers are also capable of completing the activation process in as little as two hours.<sup>21</sup>

It is important to point out that while the porting intervals that the Commission establishes in this docket are critically important to consumers and competition, especially for those consumers who desire an immediate port, the Commission should recognize that porting-in

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<sup>19</sup> See 2004 NANC Report at 7.

<sup>20</sup> WICIS standards for wireless-to-wireless porting do not utilize a TDT because of the very short porting interval.

<sup>21</sup> Again, Sprint Nextel recognizes that this reduction in the activation interval is dependent on a number of factors including, most notably, automation of the Intercarrier Communications Process (“ICP”). As such, Sprint Nextel recommends permitting industry ample time to phase-in these changes to eventually reach a two-hour activation period.

carriers need flexibility to negotiate a port due date and time that best meets each consumer's need (and which may be longer than the default interval that the Commission adopts).<sup>22</sup>

C. The Post-Port Process: the OSP Disconnects Its Service. When a customer ports out a number, the OSP must also modify its internal systems to reflect the fact that it no longer serves the customer. Indeed, these de-provisioning steps must take place after the port to ensure the porting customer has continuous service. But the changes a wireline carrier makes to its internal systems following a port are no different than the changes it makes when a customer disconnects service without porting the number.

It is important to understand that the porting-out carrier need not complete changes to internal systems before a number is ported. In fact, porting-out carriers ordinarily complete the disconnection of their service after the port is completed. As NANC has already advised the Commission:

Typically, the old and new services providers complete OSS and central office updates within one day after the port.<sup>23</sup>

As a general rule, the Commission need not get involved in the procedures and timing that an old service provider uses in disconnecting its service. There is, however, one narrow area that the Commission should intervene, and another area that the Commission should investigate.

1. As Sprint Nextel discusses in Part II. E. below, there are some carriers that disregard industry "best practices" by disconnecting service before the new service is available – which leaves the consumer without any service, including the ability to dial a 911 call. Sprint Nextel recommends that the Commission codify this industry "best practice" thus prohibiting the OSP from removing the porting customer's telephone number from the OSP switch until the OSP receives the NPAC "activation" message; and,

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<sup>22</sup> For example, with some wireline services, a "truck roll" may be necessary before the new wireline service can be activated.

<sup>23</sup> 2004 NANC Report at 9.

2. A needless delay in discontinuing the old service may have negative impacts on the provision of E911 service in limited circumstances. The Commission should direct the North American Numbering Council (“NANC”) to establish an Issue Management Group (“IMG”) to investigate this issue.

Sprint Nextel encourages the Commission to focus on these two areas to protect consumers from the loss of all service and from the inability to make E911 calls.

D. List of Recommended Commission Actions. In Part V. below, Sprint Nextel lists all of the steps the Commission can take to improve the porting process, which would benefit consumers and carriers (by reducing their costs compared to the *status quo*).

## **II. STEPS THE COMMISSION CAN TAKE TO STANDARDIZE AND STREAMLINE THE PORTING PROCESS FOR CONSUMERS**

The Commission requests comment on whether it should “take steps to mandate or modify certain elements of the porting process to ensure the efficiency and effectiveness of LNP for U.S. telephone consumers.”<sup>24</sup> There are several steps the Commission can take to standardize and simplify the porting process for consumers.

### **A. THE COMMISSION SHOULD DIRECT INDUSTRY TO DEVELOP A SINGLE, STANDARDIZED FORM FOR WIRELINE-TO-WIRELINE AND INTERMODAL PORTS**

Perhaps the most important step the Commission can take is to mandate a single, standardized form to be used for all intermodal and wireline-to-wireline ports including both simple *and complex* ports.<sup>25</sup> Currently, it is standard practice that the NSP must use the OSP’s porting forms. Larger LECs generally use industry-developed Local Service Ordering Guidelines (“LSOG”), but there are multiple versions of LSOG and carriers of-

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<sup>24</sup> See *LNP Interval NPRM* at ¶ 54.

<sup>25</sup> The NSP cannot determine thru pre-port processes whether the telephone number being ported will result in a simple or complex port. To remove this guess-work, Sprint Nextel believes the industry should, to the extent feasible, develop a single form for use on all ports.

ten change which LSOG version they use.<sup>26</sup> National carriers such as Sprint Nextel must therefore be capable of processing numerous different LSOG versions (which increases costs and can add needless delay to the porting process).

The Commission previously sought comment on a proposal that industry establish “one common LSOG version for porting to facilitate a reduction in the Confirmation Interval.”<sup>27</sup> As Sprint stated then – well over three years ago – there is no question that a single, standardized form benefits both the NSP, the OSP and, ultimately consumers.<sup>28</sup> As NANC correctly notes, it is “very expensive” for national carriers to interface with so many different LSOG versions, and it recommends that the industry consider establishing “one common LSOG version because of the efficiencies that would be realized as a result.”<sup>29</sup> Sprint Nextel concurs with these NANC observations and believes that the public interest would be served by use of one standard LSOG version.

The Commission should mandate a single, standardized form and provide the industry with six months to develop the particularities of the form to include the four customer validation fields and a limited number of “provisioning fields” as discussed directly below. By mandating a single, standardized form the Commission will wrest con-

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<sup>26</sup> In a related-matter, Sprint Nextel notes that some LECs attempt to charge local service request (“LSR”)-related fees to NSPs for each port (*e.g.*, some LECs in Iowa bill Sprint Nextel \$25 per port). Sprint Nextel believes this is an obstructionist practice designed to deter competitors from porting-in customers.

<sup>27</sup> *Porting Interval NPRM* at ¶ 11.

<sup>28</sup> See Comments of Sprint Corporation, *In the Matter of Telephone Number Portability, Notice of Proposed Rulemaking*, CC Docket No. 95-116, (filed Nov. 17, 2004),

<sup>29</sup> NANC Report at 28-29.

trol of one very important aspect of the porting process away from the OSP to the benefit of consumers and competition.

**B. THE COMMISSION SHOULD MANDATE A LIST OF PROVISIONING FIELDS  
SIMILAR TO THE LIST OF CUSTOMER VALIDATION FIELDS**

The Commission issued its *Validation Order* because some incumbent LECs were demanding information in the port requests they required that was not necessary for validation.<sup>30</sup> Some incumbent LECs have begun taking the position that they can still demand the submission of additional data so long as they characterize the data as “provisioning” rather than “validation information.”<sup>31</sup>

Sprint Nextel agrees with the recent finding of Local Number Portability Administration-Working Group (“LNPA-WG”) that there are at least two “provisioning” fields necessary in any port request – specifically, the (i) due date and time; and, (ii) the service provider identification (“SPID”). Sprint Nextel believes that there may be additional “provisioning fields” necessary to effectuate a port and that the Commission should obtain additional information before establishing a uniform list of “provisioning fields.”

At this time, Sprint Nextel is not prepared to suggest precisely what additional fields, beyond the SPID and due date and time, are necessary to accomplish a port. Sprint Nextel recommends that the Commission seek public comment on this subject and/or establish a NANC

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<sup>30</sup> Sprint Nextel has learned that some wireline and wireless carriers may interpret the “pass code (if applicable)” language in the *Validation Order* in a way that would allow the carrier to begin validating pass code on all ports. From Sprint Nextel’s perspective, the intent of its jointly-filed petition was to allow pass code validation in limited circumstances including to protect corporate-liable business accounts and government accounts. Sprint Nextel, therefore, is concerned that broad interpretations of the “pass code (if applicable)” language could end up slowing the porting process, increasing port “fall out” and generally make porting more difficult for consumers – clearly contrary to the intent of the *Validation Order*.

<sup>31</sup> See *In the Matter of Telephone Number Requirements for IP-Enable Service Provider*, WC Docket No. 07-243 *et al.*, One Communications Corp. Petition for Clarification and For Limited Waiver of Extension of Time (Feb. 5, 2008)(“*Petition for Clarification*”).

Issue Management Group (“IMG”) to make a recommendation within a limited period of time (e.g., six months). Sprint Nextel does, however, offer the following guidelines: (1) the provisioning fields should be reduced to the fewest number necessary to accomplish the port between carriers; (2) to the extent feasible, these provisioning fields should be uniform for wireline-to-wireline and intermodal ports; and, (3) the OSP may not dictate or otherwise have any discretion to require the NSP to provide additional fields.<sup>32</sup>

Once the Commission identifies the set of “provisioning” fields that may be included in a port request, it can ask industry to finalize the single, standardized form and develop implementing procedures and so the entire porting process can be standardized.<sup>33</sup>

**C. PORTING-OUT CARRIERS SHOULD BE REQUIRED TO IDENTIFY AT ONCE ALL ERRORS CONTAINED IN AN INITIAL PORT REQUEST**

The Commission has recognized that consumers deserve as “quick and efficient a porting process as possible.”<sup>34</sup> The interval that porting-out carriers must use is an important way to ensure consumers receive a quick and efficient process.<sup>35</sup> But the activation interval clock does not even begin to run until the OSP agrees that the port request is “error free.”<sup>36</sup> This situation enables the old carrier to delay the porting process for consumers simply by deciding to identify

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<sup>32</sup> See Comments of Sprint Nextel Corporation, *In the Matter of Telephone Number Requirements for IP-Enable Service Provider*, WC Docket No. 07-243 *et al.*, One Communications Corp. Petition for Clarification and For Limited Waiver of Extension of Time (filed Feb. 15, 2008).

<sup>33</sup> Sprint Nextel notes that the WICIS contains several fields in addition to the validation and provisioning fields that wireless carriers utilize particularly if there are any problems associated with the port (e.g., the first and last name of the customer). Industry should be permitted to include such “nice-to-have” fields on a standardized industry form; however, the OSP should not be permitted to require NSPs to provide these fields nor should OSPs be permitted to reject ports if these fields are blank or incorrect.

<sup>34</sup> *Id.* at ¶ 65.

<sup>35</sup> It is important to recognize that the intervals the FCC establishes apply only if the NSP invokes the interval. NSPs retain the flexibility to establish a due date and time beyond the time permitted by the interval.

<sup>36</sup> See, e.g., 2004 NANC Report at 16 (“Response interval may be reduced . . . from receipt of an error-free order”).

errors in a port request one at a time (as opposed to identifying all errors at once). As the Commission explained in the *NPRM*:

The evidence in the record also shows that delays in the porting process can arise when the porting-out carrier fails to identify all errors in an [local service request (“LSR”)] at once. If a provider identifies errors one at a time, this necessitates multiple resubmissions of the LSR, and delays the porting process.<sup>37</sup>

There has never been a good reason for allowing a porting-out carrier (often, an incumbent LEC) to delay the port process (by delaying commencement of the interval) by identifying errors one at a time, which requires the porting-in carrier to continually re-submit port requests. The OSP may benefit by the needless delay, but this practice harms consumers and competition. Now that the Commission has limited the validation fields to four, there is no reason why a porting-out carrier cannot identify in its first port response all errors contained in a port request.

**D. THE COMMISSION SHOULD PROMPTLY REMIND CARRIERS OF THEIR OBLIGATION TO RESPOND TO A PORT REQUEST WITHIN 24 HOURS**

Under current LEC industry “guidelines,” a LEC is supposed to respond to a wireless port request within 24 hours – the “confirmation interval.”<sup>38</sup> For the LECs that use the automated, LSR Express method of communications, Sprint Nextel ordinarily receives a response within this timeframe.<sup>39</sup> The situation, however, is very different with the hundreds of smaller LECs with whom Sprint Nextel ports numbers via a manual process such as fax-based porting. There are a significant number of LECs that consistently take more than 24 hours to respond to a port request. And some LECs choose not to respond at all to wireless port requests thus requir-

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<sup>37</sup> *LNP Interval NPRM* at ¶ 57.

<sup>38</sup> *See Porting Interval NPRM* at ¶ 5; NANC Report at 5-6.

<sup>39</sup> The LSR Express is a high-tech interface or electronic-bonded form of intercarrier communications in which the LSR is sent electronically from the NSP to the OSP. For example, when Sprint Nextel ports a wireline number from an ATT LEC, Sprint Nextel utilizes LSR Express to send the port request to ATT. The OSP determines whether it will use a high tech interface like LSR Express or a low tech interface like fax.

ing Sprint Nextel to follow-up. These interval “guidelines” – whether today’s 24-hour confirmation period or a shorter interval – have no meaning if a LEC consistently ignores the specified period. And delays in the confirmation period necessarily result in needless delays in activating valid port requests (because delays in the confirmation period postpones the start of the activation period).

As an immediate measure, the Commission should make clear that the current intermodal and wireline-to-wireline intervals (including specifically the 24-hour confirmation period and the 3-day activation period) are not just “guidelines” but are, in fact, mandates. This will provide regulatory clarity concerning an issue that has been the subject of debate within the industry for years. Sprint Nextel, therefore, urges the Commission to issue promptly a public notice reminding all LECs of their obligation to respond to wireless port requests within 24 hours.<sup>40</sup>

Finally, drawing on this point, the Commission should ensure that any future porting intervals are not merely “guidelines” but instead are regulatory mandates. Indeed, the Commission should ensure that the intervals adopted in this proceeding are codified into the Commission’s rules.

**E. PORTING-OUT CARRIERS SHOULD NOT DISCONNECT SERVICE UNTIL THE NPAC ACTIVATION NOTICE IS RECEIVED**

No consumer should find him/herself without any service because the old carrier disconnected its service before the new carrier was able to activate its service. Industry’s “Best Practices” guidelines address this situation by specifying that the porting-out carrier “will not” dis-

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<sup>40</sup> The FCC has issued LNP compliance Public Notices before, and such Notices have been helpful. See *Public Notice*, Wireless Telecommunications Bureau and Wireline Competition Bureau Remind Carriers Outside the 100 Largest MSAs of the Upcoming May 24, 2004 Local Number Portability Implementation Deadline, DA 04-1340 (May 13, 2004).

continue its service “until the [OSP] has evidence that the port has occurred.”<sup>41</sup> Nevertheless, Sprint Nextel has found that some wireline carriers are not, prior to disconnection, verifying that the port has occurred, as industry guidelines specify. The simple fix for this problem is a Commission mandate that the OSP is prohibited from disconnecting service prior to receiving the NPAC “activation” message. This message indicates that the NSP has activated service for the customer, thus ensuring continuous service. Again, this simple mandate by the Commission will help ensure customers have continuous telephone service including access to 911 the event of an emergency.

### **III. COMMISSION INTERVENTION IS ESSENTIAL IF CONSUMERS ARE TO REALIZE THE BENEFITS OF A REDUCED PORTING INTERVAL**

The Commission tentatively concludes that it should adopt rules requiring a shorter interval for simple intermodal ports,<sup>42</sup> recognizing that consumers should have access to a porting interval involving the “shortest reasonable time period” – that is, “as quick and efficient process as possible.”<sup>43</sup> In fact, Commission intervention is essential if consumers are to realize the benefits of shorter porting intervals, as Sprint Nextel demonstrates below.

Since 2003 wireless carriers have successfully completed over 37 million ports.<sup>44</sup> Given the passage of time and the overwhelming success of the wireless porting interval, the Commis-

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<sup>41</sup> LNPA-WG, Best Practices 31, *Inter-Service Provider LNP Operations Flows*, Version 2.0a, Figure 7, Flow Step (July 9, 2003), *available at* [www.npac.com/cmas/LNPA/](http://www.npac.com/cmas/LNPA/), and as an appendix to Qwest Opposition, CC Docket No. 95-116 (Feb. 8, 2007).

<sup>42</sup> *See id.* at 19561 ¶ 60 and 19562 ¶ 63.

<sup>43</sup> *Id.* at 19563 ¶ 65. Given its consensus procedures, industry cannot adopt new standards if one major industry segment – incumbent LECs – do not agree to the standards.

<sup>44</sup> *See* Wireline Competition Bureau, Industry Analysis and Technology Division, *Numbering Resource Utilization in the United States: Porting and Toll-Free Data as of June 30, 2007*, Table 14 (Feb. 2008).

sion is correct to examine whether wireline carriers can do better than four business days – at least for simple ports.<sup>45</sup>

**A. COMMISSION INTERVENTION IS NECESSARY BECAUSE INCUMBENT LEC OPPOSITION HAS PREVENTED INDUSTRY FROM REACHING CONSENSUS ON A REDUCED WIRELINE INTERVAL**

Industry has never been able to reach consensus over a reduction of the wireline porting interval,<sup>46</sup> and this alone is grounds for Commission intervention.

The need for updating the current four business day wireline porting interval is apparent. As discussed above, the wireline interval was adopted over a decade ago, before number portability was even implemented, and this interval does not distinguish between simple and complex ports, even though the former can be activated much quicker than complex ports. And perhaps most significantly of all, the interval that wireless carriers have successfully used over the past four years to perform the identical porting functions is over 97 percent shorter than the wireline interval (2.5 hours vs. 96 hours, respectively). Clearly, wireline carriers can do better for simple ports – yet incumbent LECs have been unwilling to consider any change to their current four-day interval.<sup>47</sup>

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<sup>45</sup> The current wireline interval does not distinguish between simple and complex ports even though simple ports can be activated in a fraction of the time required for complex ports. Simple ports are those ports that: (1) do not involve unbundled network elements; (2) involve an account only for a single line; (3) do not include complex switch translations (*e.g.*, Centrex, ISDN, AIN services, remote call forwarding, or multiple services on the loop); and (4) do not include a reseller. *See, e.g., LNP Interval NPRM* at ¶ 46, n.153 (citing North American Numbering Council Local Number Portability Administration Working Group Third Report on Wireless Wireline Integrate, Sept. 30, 2000, CC Docket No. 95-116 (filed Nov. 29, 2000)).

<sup>46</sup> *See, e.g., LNP Interval NPRM*, 22 FCC Rcd at 19562 ¶ 63.

<sup>47</sup> For example, in 2004 NANC demonstrated how the wireline interval could be reduced by 55 percent (from 96 hours to 53 hours). Yet, in comments filed in response to this report, incumbent LECs overwhelmingly opposed even this modest step.

Moreover, the fact is that industry will never be able to agree to a shortened interval for wireline carriers because of continued incumbent LEC opposition to any reduction in the interval. Industry bodies such as NANC and the Alliance for Telecommunications Industry Solutions (“ATIS”) operate under consensus procedures. Consensus can be obtained only when there exists “substantial agreement” among all industry segments.<sup>48</sup>

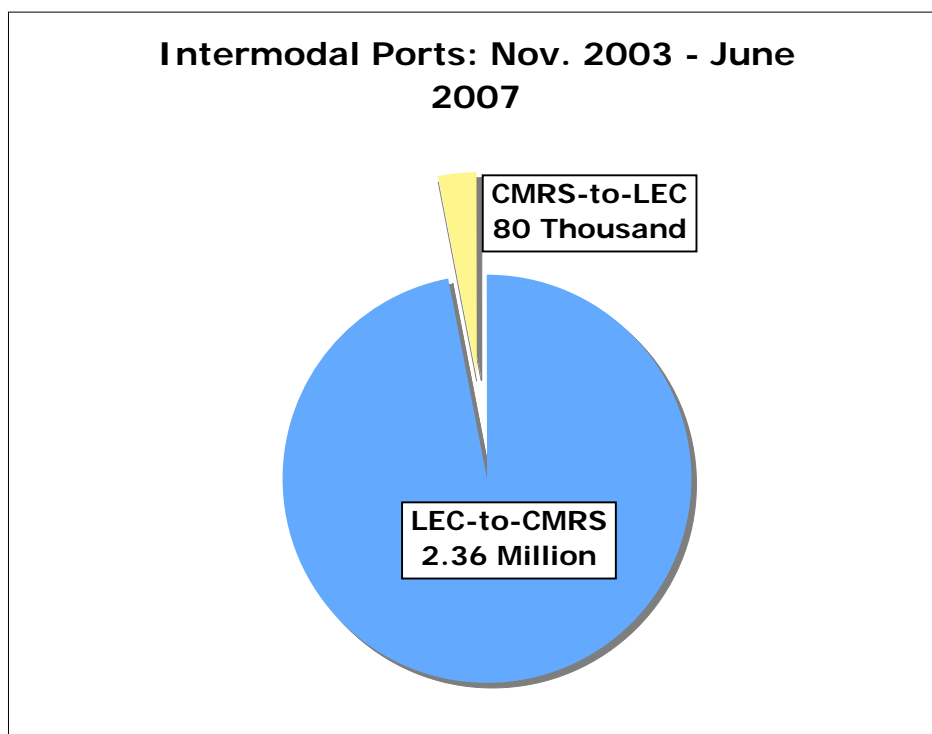
Incumbent LECs have consistently opposed a reduced porting interval, and they will consistently oppose reform in the future. This is because incumbent LECs in particular have a strong incentive to obstruct the porting process whether they are porting out to a wireless carrier or to another wireline carrier.

Incumbent LECs have not fared well since intermodal number portability was introduced four years ago. The most recent porting data publicly available is for period between November 2003 and June 2007. During this 3.5 year period, 2.44 million consumers took advantage of intermodal porting.<sup>49</sup> Of these consumers, 2.36 million – or 97 percent – used intermodal porting to leave the LEC in favor of a wireless carrier:

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<sup>48</sup> “Substantial agreement means more than a majority, but not necessarily unanimity.” *Toll Free Codes*, 12 FCC Rcd 23040, 23059 n.120 (1997). Similarly, the former Negotiated Rulemaking Act defined consensus as “unanimous concurrence among the interests represented on the Committee.” *Mobile Satellite Services*, 9 FCC Rcd 1094, 1099 n.23 (1994).

<sup>49</sup> See Wireline Competition Bureau, Industry Analysis and Technology Division, *Numbering Resource Utilization in the United States, Porting Data as of June 30, 2007*, Table 14 (Feb. 2008).



In other words, for every three customers incumbent LECs gain from intermodal portability, they lose 97 customers.<sup>50</sup> Given these facts, incumbent LECs will never agree voluntarily to any reform that will only make it easier for their customers to leave for the services of a competitor.

These lengthy porting intervals clearly favor incumbent LECs and they also invite anti-competitive behavior. For instance, the Commission is aware of one incumbent LEC that receives the port request NSP and uses this “carrier information” in violation of 47 U.S.C. § 222 to contact customer during the porting interval in an attempt to retain the customer.<sup>51</sup> If the Commission were to mandate shorter porting intervals, this would reduce significantly the period of time during which such illegal practices could occur. By comparison, the wireless industry does

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<sup>50</sup> Unfortunately, the porting data that the FCC makes publicly available does not identify for wireline-only ports, what number (or percentage) of ports involve consumers leaving an incumbent LEC vs. leaving a competitive LEC.

<sup>51</sup> See *Bright House Networks, LLC, et al. v Verizon California Inc., et al.*, File No. EB-08-MD-002.

not face such anti-competitive, illegal retention marketing, in large part, because the 2.5 hour porting interval is so short that there is no opportunity for the losing carrier to react.

**B. VOLUNTARY INDUSTRY STANDARDS ARE INEFFECTIVE IF INDUSTRY DOES NOT ABIDE BY THEM**

While Sprint Nextel generally favors voluntary industry standards over regulatory mandates, such voluntary standards or guidelines are only effective if industry abides by them. This is best shown by comparing wireless-to-wireless porting with wireline-to-wireline porting. With wireless porting, wireless carriers abide by the process outlined in WICIS resulting in a uniform, singular approach to the porting process and short porting intervals.<sup>52</sup> In contrast, the wireline-to-wireline guidelines are viewed as mere suggestions that carriers may accept or reject as each carrier sees fit.

For example, the wireline industry recently developed a “Guide” that purports to standardize the data entries that wireline carriers are to exchange with each other to implement wireline-to-wireline simple ports.<sup>53</sup> To Sprint Nextel’s knowledge, however, only two of the hundreds of incumbent LECs have agreed to follow this Guide. The “quick and efficient” porting process that the Commission has determined consumers deserve cannot possibly be achieved when only a handful of incumbent LECs decide to comply with standards they develop that purport to establish the data “necessary to accomplish wireline-to-wireline simple ports.”<sup>54</sup>

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<sup>52</sup> Sprint Nextel does not suggest that all wireless carriers dutifully abide by WICIS. However, the vast majority of wireless carriers do, and, for those that do not, Sprint Nextel has found that variances are manageable. As suggested *infra* n. 4, if wireless industry compliance with WICIS were to deteriorate, Commission intervention may be necessary (*e.g.*, in the form of a rulemaking proceeding or enforcement via a Section 201 complaint).

<sup>53</sup> See *id.*, ATIS Standard, Simple Port Service Request (SPSR) Preparation Guide, ATIS-0405085 (Feb. 6, 2008)(“OBF SPSR Guide”).

<sup>54</sup> ATIS SPSR Letter at 1.

The Commission has recognized in related circumstances that competitors will not, “without some minimum regulatory intervention,” cooperate voluntarily with each other for the benefit of consumers:

[V]oluntary standards fall short because they do not result in industry-wide participation. Without industry-wide participation, customers have no assurance that their carrier change and other requests will be acted upon in a timely or efficient manner, if at all.<sup>55</sup>

The same analysis applies here. Wireline carriers, incumbent LECs in particular, will not comply with a porting interval unless the interval is specified in Commission rules.<sup>56</sup>

**C. CONSUMERS AND INDUSTRY (INCLUDING INCUMBENT LECs) WOULD  
BENEFIT BY COMMISSION INTERVENTION**

Reducing the wireline interval does not pose significant technical hurdles or the expenditure of significant sums, as Sprint Nextel demonstrates below. Rather, the chief obstacle to a reduced porting interval for wireline carriers is the absence of uniform standards governing their porting process. NANC has previously advised the Commission that (a) “a standard format and associated interface requirement are easily defined for simple ports,” and (b) with such uniformity, there would be “fewer errors and a significantly reduced fall out percentage that could reduce the processing costs associated with simple intermodal port requests.”<sup>57</sup> In contrast, under today’s environment, it is “very expensive” for competitive carriers like Sprint Nextel to deal with

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<sup>55</sup> *CARE Order*, 20 FCC Rcd 4560, 4570 ¶ 21 (2005). *See also id.* at ¶ 22 (“[T]he NARUC model rule is not likely to ensure industry-wide participation or a uniform minimum standard.”); *Toll Free Service Codes*, 12 FCC Rcd 11162, 11193 ¶ 46 (1997) (“We conclude that adopting these rules will also lead to more effective enforcement because compliance with the Industry Guidelines is voluntary, while [carriers] who disregard our rules will be subject to penalties.”).

<sup>56</sup> In fact, record evidence suggests that many incumbent LECs are not complying with the current four day interval. *See, e.g.*, Charter Ex Parte, CC Docket No. 95-116, Exhibit 2 (April 16, 2007)(list of wireline carriers that routinely do not meet the current four-day interval requirement).

<sup>57</sup> 2004 NANC Report at 16.

dozens of incumbents LECs, each of which imposes different requirements for port requests.<sup>58</sup>

Thus, both consumers and carriers (including incumbent LECs) would benefit by Commission intervention.

\* \* \*

Number portability is a federal requirement. The communications that each carrier exchanges with NPAC have been standardized. The intercarrier communications that wireless carriers exchange with each other have been standardized – and this standardization has enabled the wireless industry to achieve its 2.5-hour porting interval.

It is now time that wireline carriers standardize the intercarrier communications to facilitate a reduction in the interval for intermodal ports and wireline-to-wireline ports. The fact is that meaningful reform and improvements that would benefit consumers will not occur so long as the OSP (often, an incumbent LEC) possesses the power to impose unilaterally its own unique requirements on the porting process. And, meaningful reform that would benefit consumers cannot occur until the intercarrier communications needed to implement a port is standardized nationwide, whether the method used to implement a port request is automated or manual.

The Commission's focus must be on consumers, not on carriers – and certainly not on incumbent carriers. The reality is that if wireless carriers can successfully implement a 2.5-hour porting interval, wireline carriers can substantially trim their four business day interval. But since wireline carriers have no incentive to engage in such reform (notwithstanding the cost efficiencies they would realize as a result), the Commission needs to intervene.

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<sup>58</sup> See *id.* at 29.

**IV. GIVEN THAT WIRELESS CARRIERS HAVE SUCCESSFULLY USED A 2.5-HOUR INTERVAL FOR FOUR YEARS, WIRELINE CARRIERS ARE CAPABLE OF SUBSTANTIALLY SHORTENING THEIR PORTING INTERVALS**

Wireline and wireless carriers engage in the same activities to implement a port request. Wireless carriers generally complete the process in 2.5 hours, while wireline carriers can take 96 hours to complete the same steps. Sprint Nextel demonstrates below that wireline carriers could use for their simple ports (both intramodal and wireline-only) a much shorter interval. If wireless carriers like AT&T Mobility and Verizon Wireless can implement port requests within 2.5 hours, then certainly LECs like AT&T and Verizon can implement port requests within a time-frame much closer to the wireless interval.

**A. THE COMMISSION SHOULD REQUIRE WIRELINE CARRIERS TO COMPLETE THE VALIDATION PROCESS FOR SIMPLE PORTS WITHIN 30 MINUTES**

The Commission recently limited the number of validation fields to four. Given this development, it is now feasible for wireline carriers to complete validation of the port requests they receive within the same 30 minutes that wireless carriers today complete validation of the port requests they receive.

1. A 30-Minute Confirmation Period Is Technically Feasible. There is no real issue over the technical feasibility of a 30-minute validation period. LECs conceded in NANC's 2004 Report that a one-hour confirmation period is technically feasible – if the confirmation process is standardized, with “all carriers us[ing] the same validation criteria”:

A reduction in the intermodal porting interval [to one hour] could be feasible if all carriers used the maximum of [four] validation criteria as the major wireless carriers. . . . This validation . . . would simplify the port request process and significantly reduce the amount of data exchange necessary.

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With the reduced validation criteria and fields, a standard format and associated interface requirement are easily defined for simple ports. Consequently, port con-

firmations and responses would be executed within a short time frame of 60 minutes.<sup>59</sup>

LECs further recognized that they would benefit by such standardization: “there would be fewer errors and a significantly reduced fall out percentage that could reduce the processing costs associated with simple intermodal port requests.”<sup>60</sup>

If, as incumbent LECs have acknowledged, it is technically feasible to complete the confirmation process in one hour, it is also technically feasible to complete the process in 30 minutes. Computers are capable of acting in nanoseconds. Thus, if the computers used by wireless carriers like AT&T Mobility and Verizon Wireless can validate port requests within 30 minutes, then certainly the computers used by LECs like AT&T and Verizon can validate port requests within 30 minutes (vs. one hour).

The key element to a 30-minute confirmation interval is standardizing the intercarrier port request/port response process between wireline carriers and porting-in carriers (wireline or wireless) – as the wireless industry has already done relative to the wireless-only ports. Indeed, NANC has advised the Commission that such a “standard format and associated interface requirement” can be “easily defined for simple ports.”<sup>61</sup>

2. A 30-Minute Confirmation Period Is Economically Reasonable. LECs have conceded that the cost to validate a port request within five hours (the NANC “C2 Proposal”) would be “low” – under \$50 million, or less than 30 cents per line.<sup>62</sup> This five-hour proposal assumes that

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<sup>59</sup> NANC Report and Recommendations on Intermodal Porting Intervals, CC Docket No. 95-116, at 15-16 (May 3, 2004)(“2004 NANC Report”).

<sup>60</sup> *Id.* “Fall out” is when there is a problem with a port and it requires manual intervention. For Sprint Nextel, “fall out” is handled by its Port Resolution Center.

<sup>61</sup> 2004 NANC Report at 16.

<sup>62</sup> See 2004 NANC Report at 21. LECs served over 167.5 million lines at the end of 2006. See Wireline Competition Bureau, Industry Analysis and Technology Division, *Local Telephone Competi-*

LECs would use mechanized systems, and there is no reason why the validation process cannot be completed within 30 minutes (vs. five hours), given that computers are capable of acting in nanoseconds. As the wireless industry experience confirms, computers do not need five hours to validate four fields.

LECs undoubtedly will point to the “finding” in the 2004 NANC Report that the cost to implement the one-hour/C1 proposal would be “very high” – from \$600 million to \$1 billion.<sup>63</sup> The Commission should disregard this completely unsubstantiated claim, as confirmed by a comparison of two reform proposals for the confirmation process that NANC included in its Report:<sup>64</sup>

	<b>The C1 Proposal</b>	<b>The C2 Proposal</b>
Use of mechanized system?	Yes	Yes
Number of validation fields?	Four	Unlimited
Time LECs claim they need to complete validation?	One Hour	Five Hours
Costs LECs claim they would spend to implement	\$600 million to \$1 billion	Less than \$50 million

How can a new system designed to validate only four fields possibly cost 12 to 20 times more than a system designed to validate an unlimited number of fields? The wireless industry did not spend anything close to \$600 million-\$1 billion in developing and implementing its suc-

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*tion: Status as of December 31, 2006*, Table 1 (Dec. 2007). Importantly, the operational cost savings that would be realized through use of a standardized intercarrier communications interface (*see* 2004 NANC Report at 16) could easily exceed the one-time cost to develop such a standardized system.

<sup>63</sup> See 2004 NANC Report at 21 and 29.

<sup>64</sup> Since LECs submitted to NANC no cost data for their cost estimates and since LECs have every incentive to inflate their estimated compliance costs as discussed above, the FCC can reasonably assume that the cost estimates incumbent LECs submitted to NANC are on the high (if not, very high) side.

cessful, standardized mechanized Inter-carrier Communications Process (“ICP”) system. And if anything, the cost for LECs to develop and implement a mechanized ICP system should be even less than what the wireless industry spent, since the wireline industry could (and should) take advantage of the functional specifications for a standardized ICP system that the wireless industry has already developed.

In short, there is no credible evidence that the cost to develop and implement a mechanized system capable of validating intermodal port requests in 30 minutes would be economically unreasonable.

3. A 30-Minute Confirmation Interval Requires the Commission to Standardize the Inter-carrier Communications Needed to Confirm a Port Request. It is essential to the efficiency of the intermodal porting process and the welfare of consumers that the Commission standardize the format of port requests and port responses.

Until recently, the carrier losing the customer determined what information should be included in a port request and in what format. This makes no sense, as the carrier losing the customer should not be given the unilateral power to obstruct and delay the porting process by imposing unique/non-standard requirements on its competitors. As NANC recognizes, the larger incumbent LECs throughout the nation use 10 (or more) different port request formats today, meaning that regional and national wireless carriers (or their clearinghouse agents) must be capable of interacting with each of these 10 different formats – which is “very expensive to automate and maintain.”<sup>65</sup>

The Commission’s recent *Validation Order* fixed one of the major problems with the confirmation process by standardizing the validation fields and limiting their number to no more

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<sup>65</sup> See 2004 NANC Report at 29.

than four. Yet, the *Order* did not address the remaining power of OSPs to obstruct the porting process by continuing to impose unique requirements on competitive carriers – whether substantive requirements (characterized as “provisioning” fields) or formatting requirements.

A national standard for intercarrier porting communications makes imminent sense. As NANC has advised the Commission:

- With only a maximum of four validation fields, “a standard format and associated interface requirement are easily defined;”<sup>66</sup>
- With such a standard, there would be “fewer errors and a significantly reduced fall out percentage that could reduce the processing costs associated with simple intermodal port requests;”<sup>67</sup> and
- Use of such a standard would “yield efficiencies by reducing the implementation time and effort required to deploy a mechanized interface when compared to automating the various intercarrier communication process, formats and forms in use by trading partners [*i.e.*, incumbent LECs] today.”<sup>68</sup>

But adoption of a national standard for intercarrier porting communications is also critical to reform. The Commission has determined that consumers deserve as “quick and efficient a porting process as possible.”<sup>69</sup> As NANC has recognized, the only way a quick and efficient confirmation process can be achieved is if “[a]ll service providers . . . [are] required to use proposed public domain interface for passing port request and port responses.”<sup>70</sup>

Many LECs use mechanized systems for handling their intercarrier porting communications. However, many LECs still insist on using a “low-tech” process (*e.g.*, facsimile).<sup>71</sup> Thus,

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<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.* at 28.

<sup>69</sup> *LNP Interval NPRM* at ¶ 65.

<sup>70</sup> 2004 NANC Report at 15.

<sup>71</sup> *See* 2004 NANC Report at 12.

the national standard that is adopted must be written in two formats: an electronic interface and a non-mechanized interface for email or facsimile communications.

The Commission could develop the needed national standards itself. Or, it could refer this detail to NANC, giving NANC a period of time (*e.g.*, six months) to develop a recommended standard to the Commission. If the Commission chooses the latter approach, it must first decide what “provisioning” fields porting-out carriers may, and may not, impose in addition to the four validation fields.<sup>72</sup>

**B. THE COMMISSION SHOULD REQUIRE WIRELINE CARRIERS TO COMPLETE THE ACTIVATION PROCESS FOR SIMPLE PORTS WITHIN TWO HOURS**

Currently, a wireline carrier has three business days to activate a port once it confirms that a port request is valid. Wireless carriers, in contrast, generally activate port requests within two hours of sending a confirmation message – meaning that wireless carriers use only three percent (3%) of the time that wireline carriers use to activate a port. Sprint Nextel demonstrates below that wireline carriers are capable of using the same two-hour activation period that wireless carriers have successfully used for years. Specifically, a reduction of the activation period from 72 hours to two hours is both technically feasible and economically reasonable.

1. A Two-Hour Activation Period Is Technically Feasible. Two Commission rulings would enable wireline carriers to activate intermodal port requests within two hours of sending a confirmation message to the new carrier.

(a) The Commission should reduce each of the two “wireline” timers from nine business hours to one hour, consistent with the successful wireless industry practice. The current LEC interval for the activation process is three days. An activation period of this length is completely

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<sup>72</sup> See Sprint Nextel Comments, CC Docket No. 95-116 (Feb. 15, 2008).

unnecessary, as evidenced by the two-hour activation period that wireless carriers have successfully utilized.

A port request can be activated once NPAC broadcasts to the regional LNP databases the new carrier's routing information for the ported number, so carriers throughout the nation know to begin sending call attempts to the number to the new carrier rather than the old carrier. NPAC can issue such a broadcast once it receives a "create" message from the new carrier (which the new carrier sends following receipt of a confirmed port response from the old carrier).

The activation process that the LEC industry developed, however, also gives the old carrier the "option" to send its own "create message" to NPAC. To give losing LECs time to exercise this "option," the LEC industry decided that NPAC should use two timers (T1 and T2), each nine business hours long (or 18 business hours in total).

The new carrier cannot activate a port while either the T1 timer or the T2 timer is running. Thus, for example, if the old carrier sends to NPAC a create message 15 minutes after the new carrier sends a create message, NPAC stops the timers and issues an industry broadcast message nearly instantaneously. If, however, the old carrier never sends such a message, NPAC cannot transmit a broadcast message until each of the two timers expires.

*In other words, the process that LECs developed for themselves enables the LEC losing the customer to delay the ability of the consumer to leave by over two business days – simply by doing nothing (i.e., not sending its own, redundant create message).<sup>73</sup> This makes no sense, is anticompetitive and harms consumers by needlessly delaying the date on which consumers can*

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<sup>73</sup> See 2004 NANC Report at 9 ("The existing or current flows allow a period of two business days for the concurrence of the old service provider.").

exercise their right to port their telephone number. In fact, it is this delay that opens the door for the LEC losing the customer to initiate inappropriate retention marketing activities.

The wireless industry uses the same process as the wireline industry – namely, use of the same two timers (T1 and T2) in order to give the old wireless carrier some time to send its own create message to NPAC if it chooses. The difference, however, is that the “wireless” T1 timer and T2 timer is each set to one hour – for a total activation period of two hours after the new carrier sends its create message to NPAC.<sup>74</sup>

There is no reason why the wireline industry cannot use the one-hour “wireless” timers for their simple ports, and the Commission should direct NPAC to use the one-hour “wireless” timers for all simple ports, including intermodal and wireline-only ports.<sup>75</sup>

(b) LECs should be required to set the 10-digit trigger concurrently with their port response. The LEC industry has built in a second way to delay the date that their customers can switch to competitors – by delaying the time when they set the 10-digit-trigger (“TDT”) so the new carrier can begin serving the porting customer.

Setting the TDT is a critical component in the activation process because once the OSP carrier sets the TDT, the new carrier can begin serving its new customer (without waiting for the old carrier to disconnect service).<sup>76</sup> Today, the LEC losing the customer “typically” sets the

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<sup>74</sup> See 2004 NANC Report at 5 (“The [NPAC] porting process is the same for wireless and wireline, except that the wireless Initial Concurrence Window (T1 timer) and Final Concurrent Window (T2 timer) are 1 business hour instead of 9 business hours.”).

<sup>75</sup> This change should have little or no cost impact on NPAC since its systems are already designed to use one-hour timers for wireless ports.

<sup>76</sup> See 2004 NANC Report at 7 (The TDT is “a central office software switching feature optionally assigned to a number on donor switch during the transition period when the number is physically moved from donor switch to recipient switch. . . . In essence, the [TDT] forces the donor switch (the switch out of which the code is to be ported) to query the [LNP] database for possible porting before completing the call.).

TDT on the day “before the due date of the port,” generally a 11:59 p.m.<sup>77</sup> In other words, with a four-day porting interval, LECs can delay setting the TDT until the end of the third day – thereby delaying the date its customers can switch to a competitor.

This delay is completely unnecessary – and unreasonable. As Sprint Nextel has previously explained to the Commission, like wireless carriers, LECs could set the TDT concurrently with their port response (or within the two-hour window for the two timers).<sup>78</sup> Once again, there is no reason that the carrier losing the customer should be able to postpone the person’s ability to use the new services by two days or longer simply by waiting to set the TDT.

2. A Two-Hour Activation Period is Economically Reasonable. Reducing the activation period from three business days to two hours would not require wireline carriers to perform any functions they do not perform today. Rather, to achieve a two-hour activation window, LECs would simply have to change the timing that they perform one function and perhaps a second function:

- They would have to accelerate the time they set the TDT in their respective network; and
- For those LECs choosing to send their own, redundant “create” message to NPAC, they would have two hours, rather than 18 business hours, within which to choose to send their own create message to NPAC.

Accelerating the time that LECs perform these functions should not impose any undue cost on wireline carriers. After all, wireless carriers have performed these functions within the proposed time frames for years.

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<sup>77</sup> See *id.* at n.7 (“The [TDT] shall be operational no later than 11:59 PM in the donor switch (ONSP) the day prior to the anticipated port-out date.”).

<sup>78</sup> See Sprint Comments, CC Docket No. 95-116, at 4 (Nov. 17, 2004)(“[I]t is technically feasible for a LEC to set the 10-digit trigger concurrently with its return of the port response.”). No LEC in reply comments challenged this fact.

As Sprint Nextel has demonstrated, wireline carriers are, over the long-run, technically capable of achieving the same 2.5 hour porting interval that wireless carriers currently meet for intramodal ports. Sprint Nextel recognizes, however, that reversing a decade-plus of industry practices will take substantial time and industry work. Indeed, a reduction of the porting interval must follow the streamlining and standardization steps discussed above. As such, Sprint Nextel recommends that the Commission adopt a phased approach to reducing the porting interval. The Commission should first allow the industry 6 months to standardize and streamline processes aimed at reducing the porting interval to 24 hours. Following that period, the Commission should allow carriers an additional 12-18 months to implement these new processes and achieve a 24 hour porting interval. The Commission then should re-open this docket to examine a further reduction of the porting interval with the ultimate goal of achieving a 2.5 hour interval.

**V. A LIST OF ACTIONS THE COMMISSION SHOULD TAKE TO IMPROVE THE PORTING PROCESS**

In sum, in order to improve the porting process for consumers, the Commission should:

- Direct the industry, perhaps through a NANC IMG, to standardize and streamline the process used for intermodal and wireline-to-wireline ports, including:
  - Standardize the content of the intercarrier port request/port response process. The Commission has limited the number of validation fields to four. Similarly, the Commission should limit the number of “provisioning” fields to those that are necessary to accomplish a port.
  - Standardize the form used in the intercarrier port request/port response process, so carrier can uniformly exchange with each other port requests and port responses.
  - Require these industry efforts to be completed within six-months.
- Address the porting interval for intermodal and wireline-to-wireline ports, including:
  - Issue immediately a Public Notice that existing intermodal and wireline-to-wireline interval “guidelines” are in fact requirements.

- Confirm that all porting-in carriers have the right to demand that the porting-out carrier use the intervals the Commission establishes in this docket, but that porting-in carriers have the right to ask for an extended interval.
  - Establish a near-term goal of reducing the porting interval for intermodal and wireline-to-wireline ports to 24 hours. Sprint Nextel believes that carriers would need 12-18 months following industry standardization work in which to implement and begin meeting a 24-hour interval.
  - Re-open this docket to examine a further reduction of the porting interval with the ultimate goal of achieving a uniform 2.5 hour interval for all ports (wireless-to-wireless, intermodal, and wireline-to-wireline).
- Require porting-out carriers to identify, in response to a port request, all errors contained in a port request.
  - Require that all carriers follow the NANC “best practice” regarding disconnection of service. Specifically, the Commission should prohibit OSPs from disconnecting service prior to receiving the NPAC “activation” message.
  - Require the OSP to set the ten digit trigger (“TDT”) at the same time the OSP returns the port confirmation or “firm order confirmation.”
  - Investigate whether there is a need for the Commission to develop an interval for the porting-out carrier to notify the relevant Public Safety Answering Point (“PSAP”) of a port, so as to minimize the length of any “mixed service” condition. Specifically, the Commission should refer this matter to a NANC IMG and solicit input from public safety organizations.

## **VI. CONCLUSION**

For the foregoing reasons, Sprint Nextel respectfully requests that the Commission adopt its recommendations, as outlined above. Such action will streamline, standardize and ultimately reduce the porting interval, which in turn will facilitate a more consumer-friendly process for intermodal and wireline-to-wireline ports.

Respectfully submitted,

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